

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION OF EL PASO COUNTY, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE TIERRA DEL ESTE III – PHASE VI PUBLIC IMPROVEMENT DISTRICT FOR PHASE #2 OF SAID DISTRICT; APPROVING A PRELIMINARY 2024 AMENDED AND RESTATED SERVICE PLAN AND ASSESSMENT PLAN FOR SAID DISTRICT, INCLUDING PROPOSED ASSESSMENT ROLLS FOR PHASE #2; CALLING A MEETING AND NOTICING A PUBLIC HEARING FOR JANUARY 6, 2025 TO CONSIDER AN ORDER LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN PHASE #2 OF SAID DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE COUNTY CLERK TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING COUNTY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

**RECITALS**

**WHEREAS**, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “Act”) authorizes the governing body (the “Commissioners Court”) of the El Paso County, Texas (the “County”) to create a public improvement district within the County; and

**WHEREAS**, on March 27, 2023, the Commissioners Court conducted a public hearing to consider a petition received by the County on March 3, 2023 titled “Petition for the Establishment of a Public Improvement District” requesting the creation of a public improvement district; and

**WHEREAS**, on March 27, 2023, the Commissioners Court passed and approved Resolution No. 2023-0264 (the “Authorization Resolution”), authorizing, establishing and creating the Tierra Del Este III - Phase VI Public Improvement District (the “District”); and

**WHEREAS**, the estimated costs of the public improvements to be assessed against the property in Phase #2 of the District are \$5,958,319 (the “Phase #2 Authorized Improvements”), in addition to costs of establishing, administering and operating the District to be assessed against the property in the District; and

**WHEREAS**, the Commissioners Court and the County staff have been presented a “Preliminary 2024 Amended and Restated Service and Assessment Plan, County of El Paso

County, Texas, Tierra Del Este III - Phase VI Public Improvement District”, including a proposed Phase #2 Assessment Roll attached thereto as Appendix A (the “Proposed Assessment Roll”), dated December 5, 2024 (collectively, the “Preliminary SAP”), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

**WHEREAS**, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District for the second phase of development (“Phase #2”) within the District, and the Proposed Assessment Roll states the assessments proposed to be levied against each parcel of land in Phase #2 of the District as determined by the method of assessment chosen by the County; and

**WHEREAS**, the Act requires that the Proposed Assessment Roll be filed with the County Clerk of the County (the “County Clerk”) and be subject to public inspection; and

**WHEREAS**, the Act requires that a public hearing (the “Assessment Hearing”) be called to consider proposed assessments and requires the Commissioners Court to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

**WHEREAS**, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the County before the tenth (10th) day before the date of the Assessment Hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF EL PASO COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1.** THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the Commissioners Court and are incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2.** THAT the Commissioners Court does hereby accept the Preliminary SAP for the District, including the Proposed Assessment Roll, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

**SECTION 3.** THAT the Commissioners Court hereby determines that the total costs of the Phase #2 Authorized Improvements to be financed by the District are as set forth in the Preliminary SAP, which costs do include the payment of expenses incurred in the administration of the District or related to the creation of the District.

**SECTION 4.** THAT the Commissioners Court's final determination and approval of the costs of the Phase #2 Authorized Improvements, or any portion thereof, shall be subject to and contingent upon Commissioners Court approval of a final Service and Assessment Plan which will include final Phase #2 Assessment Roll, after the properly noticed and held Assessment Hearing.

**SECTION 5.** THAT the Proposed Assessment Rolls state the assessment proposed to be levied against each parcel of land in Phase #2 of the District as determined by the method of assessment chosen by the County in the Authorization Resolution and as more fully described in the Preliminary SAP.

**SECTION 6.** THAT the Commissioners Court expressly defers the levy of assessments against other property within the District that will benefit only the property within each subsequent parcel until such time as the costs of such phase-specific improvements can be determined with certainty as referenced in the Preliminary SAP.

**SECTION 7.** THAT the Commissioners Court hereby authorizes and directs the filing of the Proposed Assessment Rolls with the County Clerk and the same shall be available for public inspection.

**SECTION 8.** THAT the Commissioners Court hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on *January 6, 2025 at 9:30 a.m. at the El Paso County Courthouse, Commissioners Court Chambers, 500 East San Antonio Room 303 El Paso, Texas 79901*, at which the Commissioners Court shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the Commissioners Court will consider an order levying the assessments as special assessments on property within Phase #2 of the District (which order shall specify the method of payment of the assessments).

**SECTION 9.** THAT the Commissioners Court hereby authorizes and directs the County Clerk to publish notice of the Assessment Hearing to be held on *January 6, 2025*, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the County, on or before December 26, 2024 which is before the tenth (10th) day before the date of the Assessment Hearing, as required by Section 372.016(b) of the Act.

**SECTION 10.** THAT when the Proposed Assessment Roll is filed with the County Clerk, the Commissioners Court hereby authorizes and directs the County Clerk to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on *January 6, 2025*, on or before December 26, 2024, as required by Section 372.016(c) of the Act.

**SECTION 11.** THAT County staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the *January 6, 2025* regular meeting of the Commissioners Court.

**SECTION 12.** THAT this Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED ON THIS 16TH DAY OF DECEMBER, 2024.

ATTEST:

APPROVED:

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Delia Briones, County Clerk

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Ricardo A. Samaniego, County Judge

[SEAL]

**EXHIBIT A**

**PRELIMINARY 2024 AMENDED AND RESTATED SERVICE AND ASSESSMENT  
PLAN**

**EXHIBIT B**  
**EL PASO COUNTY, TEXAS**  
**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the Commissioners Court of El Paso County, Texas on *January 6, 2025 at 9:30 a.m. at the El Paso County Courthouse, Commissioners Court Chambers, 500 East San Antonio Room 303 El Paso, Texas 79901*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within Phase #2 of the Tierra Del Este III - Phase VI Public Improvement District (the “District”) pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the “Act”).

The general nature of the proposed public improvements (collectively, the “Authorized Improvements”) may include: (a) landscaping; (b) erection of lighting and signs; (c) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (d) construction or improvement of hike and bike trails; (e) acquisition, construction or improvement of water, waste water, or drainage facilities or improvements; (f) establishment or improvement of parks; (g) projects similar to those listed in (a) through (f), including without limitation a community center; (h) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (i) special supplemental services for improvement or promotion of the District, including services related to advertising, promotion, health and sanitation, water and waste water, public safety, security, business recruitment, development, recreation, and cultural enhancement (collectively, the “Authorized Improvements”); and the payment of expenses incurred in the establishment, administration, and operation of the District, including maintenance costs. These Authorized Improvements shall promote the interests of the County and confer a special benefit upon the Property.

The total cost of the Phase #2 Authorized Improvements, including the costs of creating the District, is approximately \$5,958,319. The total costs of Authorized Improvements to benefit future phases within the District cannot be determined with certainty at this time, but shall not exceed an additional \$37,157,796.41.

The boundaries of the District include approximately 889.10 acres of land within the County and within the extraterritorial jurisdiction of the City of El Paso, Texas (the “City”), generally bordered on the north by David Drive, on the east by Villa Del Este Street, on the west by Mager Drive, and in the future will be bordered on the south by Pebble Hills Boulevard, as more particularly described by a metes and bounds description available for public inspection at the office of the County Clerk, 500 E. San Antonio Street, El Paso, Texas 79901.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Phase #2 Assessment Roll (the “Assessment Roll”), which Assessment Roll includes the assessments to be levied against each parcel in the District for the Phase #2 Authorized Improvements, is available for public inspection at the office of the County Clerk, 500 E. San Antonio Street, El Paso, Texas 79901.